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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,160	02/27/2004	Kang Soo Seo	1740-0000087/US	4609
30593	7590	02/02/2009	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			ATALA, JAMIE JO	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			02/02/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,160	SEO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JAMIE JO VENT ATALA	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 December 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 and 21-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 and 21-42 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 16, 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection of Nonomura et al (US 5734788) in view of Kato et al (7,236,687) in view of Sato et al (US 5,884,004). Furthermore, it is noted Sato et al teaches the management information for storing management file through information stored in the navigation management area as further described below.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12, 13, 21-30 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying

subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15, 21-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonomura et al (US 5734788) in view of Kato et al (7,236,687) in view of Sato et al (US 5,884,004).

#### **[claim 1]**

In regard to Claim 1 Nonomura et al discloses a computer readable medium having a data structure for managing random shuffle reproduction of video by a computer if read by the computer (Figures 7b and 0 show the random and shuffle reproduction of the playlist) the data structure including:

- A stream area storing at least one stream file including video data associated with the playlist (Figure 2a shows the volume area where the

digital data is stored as seen on Column 6 Lines 15-24); however fails to disclose

- A playlist area storing at lease one playlist file including a plurality of playitems, representing the playing interval of the clip, the playitem indicating a presentation start time and presentation end time based on a time axis of the clip;
- Management area for storing at least one title management information file including at least one segment, the segment launching the playlist by using a command indicating the playlist file, the title management information file being separate from the playlist file;
- Wherein the playitem in the playlist is a unit to be randomized or shuffled during random/shuffle reproduction.

Kato et al discloses a system for recording and storing information on a recording medium further comprising:

- A playlist area storing at lease one playlist file including a plurality of playitems, representing the playing interval of the clip, the playitem indicating a presentation start time and presentation end time based on a time axis of the clip (Figure 2 shows the playlist and playitem wherein the playitem associated with playlists are further shown in Figures 29-31. The use of playlist for storing information containing playitems that further contain information

regarding the video data is further described in Column 20 Lines 39+);

- Wherein the playitem in the playlist is a unit to be randomized or shuffled during random/shuffle reproduction (Column 8 Lines 23+ describes the playlist that can be random during reproduction); and

It is taught by Kato to provide playlist for storing information in the playitem to allow for information regarding the input of data to be constructed for processing, recording and retrieval of information (Column 7 Lines 38-67). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the system of reproducing data, as disclosed by Nonomura et al, and further incorporate the data area containing playlist and playitems regarding information of the video data, as taught by Kato et al, in order to provide effective processing, recording and retrieval of the data and further allow user to create a playlist of favorite clips. These features would enhance the user interface of the recording medium.

Sato et al teaches additionally discloses a system having management and navigation area separate from the data area (Figure 17 NV pack and described in Column 22 Lines 38-40). The following is additionally taught by Sato et al:

- Management area for storing at least one title management information file including at least one segment, the segment launching the playlist by using a command indicating the playlist file, the title management information file being separate from the playlist file (Figure 16 shows the contents included in the VTS

wherein title information set is represented and included in the navigation pack (NV) as described in Column 20 Lines 29-67.

Additionally, the navigation pack manages play list files as seen in Figure 20. The various play list files are identified through the navigation to identify information regarding reproduction path information, title, length, display time, and start address, time codes, and ending flags as described in Column 25 Lines 7-67 through Column 26 Lines 1-7).

The navigation information including title information and various attributes enables seamless synchronization between various files and thus allowing for proper playback features to the user (Column 26 Lines 8-37). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the system of reproducing data, as disclosed by Nonomura et al, and further incorporate a system having a navigation area for managing title information and indicating information regarding the video data by the navigation data including attributes of the play list, as taught by Sato, to provide effective storing and playback of the video data files.

### **[claim 2]**

In regard to Claim 2, Nonomura et al discloses a recording medium wherein a title managed by the title management information file is a logical unit of video data that is regarded as a reproduction unit by users (Figure 3b shows the title management information that stores the DVD data as video titles as described in Column 6 Lines 49-67).

**[claim 3]**

In regard to Claim 3, Nonomura et al discloses a recording medium wherein the title management file includes information on branch points information has segments, at which reproduction path is divided during reproduction (Column 9 Lines 43-68 describes the branch points and segments assigned to the reproduction paths as further described in Figure 7b).

**[claim 4]**

In regard to Claim 4, the claim limitations have been previously recited in Claim 3.

**[claim 5]**

In regard to Claim 5, Nonomura et al discloses a recording medium wherein the segments assigned to different reproduction paths are associated with a plurality of distinct playlist that are associated with distinct clips or disjoint intervals of one clip (Figure 8 shows the various clips wherein the VOB are the clips that are associated with the playlist as further described in Column 10 Lines 20-30 and thereby producing distinct/disjoint clips).

**[claim 6]**

In regard to Claim 6, the claim limitations have been previously recited in Claim 5.

**[claim 7]**

In regard to Claim 7, Nonomura et al discloses a recording medium wherein a plurality of play items and the storing of random/shuffle block in the title management information wherein reproduction can occur with either a standard reproduction mode or a random/shuffle reproduction mode (Figures 7b and 0 show the title management

information and it is further described in Column 9 Lines 43-Column 11 Line 30 the various reproduction modes that can occur).

**[claim 8]**

In regard to Claim 8, the claim limitations have been previously discussed in Claim 7.

**[claim 9]**

In regard to Claim 9, the claim limitations have been previously discussed in Claim 7.

**[claim 10]**

In regard to Claim 10, the claim limitations have been previously discussed in Claim 7.

**[claim 11]**

In regard to Claim 11, the claim limitations have been previously recited in Claim 5.

**[claim 12]**

In regard to Claim 12, the claim limitations have been previously discussed in Claim 1.

**[claim 13]**

In regard to Claim 13, the claim limitations have been previously discussed in Claim 1.

**[claim 14]**

In regard to Claim 14, Nonomura et al discloses a method for reproducing a recording medium having a data structure for managing random/shuffle reproduction of video data, as discussed independent Claims 1, 12, 13, with the additional limitations:

- Drive for driving an optical recording means that records data on the recording medium (Figure 11 shows an optical disk drive 16 wherein an optical disk drive controlling unit 83 for controlling the drive and the data

as further discussed in Column 12 Lines 58+ through Column 13 Lines 1-6).

**[claim 15]**

In regard to Claim 15, the claim limitations have been previously discussed in Claim 14.

**[claim 21]**

In regard to Claim 21, Nomonura et al discloses a title that is a logical unit of data managed by title management information file as a reproduction unit (Figure 6 shows title management information).

**[claim 22]**

In regard to Claim 22, Nomonura et al discloses a method for dividing information on branch points in the title management file during reproduction (Figure 6 shows the various branch points as well as figure 10).

**[claim 23]**

In regard to Claim 23, Nomonura et al discloses a method wherein random/shuffle reproduction of one playlist (Figure 7a and 7b).

**[claim 24]**

In regard to Claim 24, the claim limitations have been recited in Claim 23.

**[claim 25]**

In regard to Claim 25, Nomonura et al discloses a method associating playitem with clip of information from the clip information directory (Figure 2a shows the volume area where the digital data is stored as seen on Column 6 Lines 15-24).

**[claim 26]**

In regard to Claim 26, the claim limitations have been recited in Claim 21.

**[claim 27]**

In regard to Claim 27, the claim limitations have been recited in Claim 22.

**[claim 28]**

In regard to Claim 28, the claim limitations have been recited in Claim 23.

**[claim 29]**

In regard to Claim 29, the claim limitations have been recited in Claim 23.

**[claim 30]**

In regard to Claim 30, the claim limitations have been recited in Claim 25.

**[claim 31]**

In regard to Claim 31, the claim limitations have been recited in Claim 21.

**[claim 32]**

In regard to Claim 32, the claim limitations have been recited in Claim 22.

**[claim 33]**

In regard to Claim 33, the claim limitations have been recited in Claim 23.

**[claim 34]**

In regard to Claim 34, the claim limitations have been recited in Claim 21.

**[claim 35]**

In regard to Claim 27, the claim limitations have been recited in Claim 25.

**[claim 36]**

In regard to Claim 36, the claim limitations have been recited in Claim 21.

**[claim 37]**

In regard to Claim 37, the claim limitations have been recited in Claim 22.

**[claim 38]**

In regard to Claim 38, the claim limitations have been recited in Claim 23.

**[claim 39]**

In regard to Claim 39, the claim limitations have been recited in Claim 21.

**[claim 40]**

In regard to Claim 40, the claim limitations have been recited in Claim 25.

**[claim 41]**

In regard to Claim 41, Nomonura et al discloses a system wherein the sources packetizer is configured to packetize the data (Figure 11 shows the packetizing of data).

**[claim 42]**

In regard to Claim 42, Nomonura et al discloses a system wherein the sources depacketizer is configured to depacketize the data (Figure 11 shows the depacketizing of the data into the system).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto et al (US 5,742,569).

### **Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAMIE JO VENT ATALA/

Examiner, Art Unit 2621